

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

MICROMETL CORP.,  
Plaintiff.

vs.

TRANZACT TECHNOLOGIES, INC.,  
Defendant.

|  
| Case No.: 1:08-cv-0321-LJM-WTL

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| U.S. District Judge Larry J. McKinney

|  
| Magistrate Judge William T. Lawrence  
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**MOTION TO VACATE JUNE 9, 2008 INITIAL PRETRIAL CONFERENCE**

Defendant, TRANZACT TECHNOLOGIES, INC. (hereinafter, "Defendant"), by and through its attorneys, SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY and SULLIVAN HINCKS & CONWAY, moves this Honorable Court to vacate the June 9, 2008 Initial Pretrial Conference in this matter, pending ruling on the Defendant's Motion to Dismiss/Transfer for Improper Venue Pursuant to Rule 12(b)(3) and/or 28 U.C.S.A. §1406. In support of said Motion, Defendant states as follows:

1. On March 24, 2008, this Court entered a Scheduling Order, setting the Initial Pretrial Conference in this matter before Magistrate Judge William T. Lawrence for June 9, 2008 at 1:00 P.M.

2. On March 28, 2008, Defendant filed its Motion to Dismiss/Transfer for Improper Venue, seeking either the dismissal of Plaintiff's Complaint or a transfer of venue to the United States District Court for the Northern District of Illinois.

3. Defendant's Motion to Dismiss/Transfer has been fully briefed in accordance with this Court's local rules, and is currently awaiting ruling by United States District Judge Larry J. McKinney.

4. Because Defendant's Motion could dispose of this matter, at least before this Court, an Initial Pretrial Conference would be premature at this point.

5. Defendant's counsel attempted to confer with Plaintiff's counsel regarding this Motion, but has yet to receive a response as of the time of filing.

WHEREFORE, Defendant, TRANZACT TECHNOLOGIES, INC., respectfully moves this Honorable Court to enter an Order vacating the June 9, 2008 Initial Pretrial Conference in this matter and continuing said Conference until such time as a ruling has been entered on Defendant's pending Motion to Dismiss/Transfer for Improper Venue.

Respectfully Submitted,

TRANZACT TECHNOLOGIES, INC.

By: /s/ Ryan A. Mahoney  
One of Its Attorneys

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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of May, 2008, a copy of the foregoing was filed electronically. The following parties may access this filing through the Court's ECF system:

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|

**ORDER**

This matter coming to be heard on Defendant TranzAct Technologies, Inc.'s Motion to Vacate the June 9, 2008 Initial Pretrial Conference in this matter, due notice having been given, and the Court being advised in the premises, IT IS HEREBY ORDERED:

[ ] Defendant's Motion is GRANTED. The June 9, 2008 Initial Pretrial Conference in this matter is hereby vacated and continued until such time following the ruling on Defendant's pending Motion to Dismiss/Transfer for Improper Venue.

[ ] Defendant's Motion is DENIED.

ENTERED this \_\_\_\_ Day of \_\_\_\_\_, 2008:

By: \_\_\_\_\_  
United States Magistrate Judge